



Signed and Filed: October 6, 2021

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Bankruptcy Case
PG&E CORPORATION,) No. 19-30088-DM
) Chapter 11
- and -) Jointly Administered
PACIFIC GAS AND ELECTRIC COMPANY,)
Reorganized Debtors.)
☐ Affects PG&E Corporation)
☐ Affects Pacific Gas and)
Electric Company)
☒ Affects both Debtors)
* All papers shall be filed in)
the Lead Case, No. 19-30088 (DM).)

ORDER DISALLOWING PROOF OF CLAIM # 10281
FILED BY WILLIAM F. WEIDMAN, III

I. INTRODUCTION

Mr. William F. Weidman, III filed proof of claim # 10281 (the "Claim") on September 30, 2019 in the amount of \$50,000,000.

On August 19, 2021, the Reorganized Debtors ("Debtors") filed their *One Hundred Second Omnibus Objection to Claims* (No

1 *Legal Liability Claims*) ("Objection") (Dkt. 11120), alleging in
2 part that the events underlying Mr. Weidman's Claim were time-
3 barred by California's two-year statute of limitations on
4 personal injury claims. On September 10, 2021, Mr. Weidman
5 timely filed an *Opposition to Notice of the Reorganized Debtors'*
6 *One Hundred Second Omnibus Objection to Claims (No Legal*
7 *Liability Claims)* (Dkt. 11239). The Court held a hearing on the
8 matter on September 29, 2021 and took the matter under
9 submission thereafter.

10 For the reasons discussed below, the Court sustains the
11 Objection and disallows Mr. Weidman's Claim in its entirety.

12 **II. DISCUSSION**

13 Mr. Weidman worked as a welder at Debtors' Diablo Canyon
14 Power Plant between 1984 and 1985. He was employed directly by
15 Bechtel Power Corporation ("Bechtel") during his time at Diablo
16 Canyon. Mr. Weidman has suffered numerous medical complications
17 as a result of radiation exposure.

18 Mr. Weidman filed a worker's compensation claim against
19 Bechtel and other parties in 2001, and the claim has been
20 pending ever since. Mr. Weidman did not commence legal action
21 against the Debtors at any time. Following Debtors' bankruptcy
22 on January 29, 2019, he filed the Claim.

23 Debtors argue that the applicable California statute of
24 limitations for commencing a suit against a party for personal
25 injury was one year from the time a plaintiff's injuries
26 accrued, which has since been extended to two years. Cal. Code
27 Civ. Proc. § 335.1. Because Mr. Weidman has not ever commenced
28 an action for personal injury against Debtors, he is barred from

1 doing so now by California law. In turn, Mr. Weidman asserts
2 his Claim is not time-barred. In support of this assertion Mr.
3 Weidman submitted an Opinion and Decision After Reconsideration
4 from the Workers' Compensation Appeals Board, which found that
5 his 2001 suit against Bechtel was timely filed. However, Mr.
6 Weidman's lawsuit and subsequent Worker's Compensation Appeals
7 Board decision cover only his claims against Bechtel, and at no
8 time have Debtors been party to Mr. Weidman's worker's
9 compensation claim.

10 Mr. Weidman also argues that because his Claim relates to
11 radiation injury, federal law displaces California law regarding
12 the time to file claims, citing both the Price Anderson Act, 42
13 U.S.C. §§ 2011-2297, and *Silkwood v. Kerr-McGee Corp.*, 464 U.S.
14 238 (1984). However, the Price Anderson Act only displaces
15 applicable state law in the event of an "extraordinary nuclear
16 occurrence" which is defined as an event that causes nuclear
17 materials or radiation to disperse off site in levels which the
18 Nuclear Regulatory Commission or Secretary of Energy deems to be
19 substantial. See 42 U.S.C. § 2014(j). *Silkwood* also notes that
20 state statutes of limitation are waived as to claims for
21 injuries due to radiation exposure only in cases in which
22 exposure is deemed to be an extraordinary nuclear occurrence.
23 Because Mr. Weidman suffered his injuries while working on-site
24 at a nuclear power plant, and because no applicable state agency
25 has found Mr. Weidman's injuries to have been caused by an
26 extraordinary nuclear occurrence, the Price Anderson Act's own
27 statute of limitations does not apply. Instead, *Silkwood* makes
28 clear that the reference point for causes of action due to

1 nuclear energy related injuries caused by incidents other than
2 extraordinary nuclear occurrences was state law. *Silkwood*, 464
3 U.S. at 254.¹

4 Claims arising out of personal injury are governed by
5 California's two-year statute of limitations. Cal. Code Civ.
6 Proc. § 335.1. Further, Bankruptcy Code section 502(b)(1) (11
7 U.S.C. § 502(b)) provides that a claim may be disallowed if it
8 is unenforceable under applicable non-bankruptcy law, including
9 being barred by the applicable statute of limitations. See *Mesa*
10 *Pines Homeowner's Assoc. v. Paterno (In re Paterno)*, No. SC-14-
11 1189-KuJuKi, 2015 Bankr. LEXIS 580, at *9 (9th Cir. BAP Feb. 20,
12 2015) (citing *Durkin v. Benedor Corp. (In re G.I. Indus., Inc.)*,
13 204 F.3d 1276, 1281 (9th Cir. 2000)). These are well-settled
14 principles that are not preempted by federal law in this
15 instance.

16 For the foregoing reasons, Debtors' Objection to the Claim
17 is well taken and must be sustained. The Court regrets to hear
18 of the pain suffered by Mr. Weidman due to his injuries, and
19 regrets that his worker's compensation claim remains active so
20 many decades after he first sought compensation. Unfortunately,
21 California law bars Mr. Weidman from seeking further relief
22 against Debtors.

26 ¹The Court notes that while portions of applicable law have
27 been amended since the *Silkwood* decision, the principles cited
28 here remain current.

1 **III. CONCLUSION**

2 For the foregoing reasons, Claim # 10281 filed for
3 \$50,000,000 is DISALLOWED in its entirety.

4 ****END OF ORDER****

COURT SERVICE LIST

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